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Attorneys for Plaintiff Bank of America, N.A.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BANK OF AMERICA, N.A., a national
banking association

Plaintiff

v.

CAPITAL MED FARMS, LLC, a
California limited liability company;
GOLDEN STATE FARM CREDIT,
FLCA, a federal Farm Credit System
institution; GOOD EARTH
PARTNERS LP, a California limited
partnership; JIM TRAYNHAM, an
individual; JAMIE TRAYNHAM, an
individual; MF FARMS, INC., a
California agricultural collective;
NAVA FARMS, INC., a California
corporation; PACIFIC REALTY
ASSOCIATES, L.P. dba M&T CHICO
RANCH, a Delaware limited
partnership; RANDOLPH SALVESON,
an individual; SIERRA ORCHARDS,
L.P., a California limited partnership;
and TSB AG INC., a California
Corporation; AFFENTRANGER
FARMS, LLC, a California limited
liability company; ALLEN JASCHKE,
an individual; BARRIOS BROS., INC.,
a California corporation; CHARLES
HERMLE FARMS, INC., a California

Case No.: 2:24-cv-02309-DJC-CKD

**JOINT STIPULATION TO
CONTINUE HEARING DATE ON
DEFENDANT TSB AG, INC.'S
MOTION TO DISMISS (DKT. 42)
AND SET BRIEFING SCHEDULE;
ORDER**

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corporation; DANNA FARMS INC., a California corporation; DARREL PARSLEY, an individual; FEDORA FARMS, INC., a California corporation; GRACIE BELLE FARMS, LLC, a California limited liability company; JERRY M. SEIBERT FARMS, INC., a California corporation; JOE YEUNG FARMS, INC., a California corporation; JUST FARMS LP, a California limited partnership; LINDAUER FARM MANAGEMENT, INC., a California corporation; LLANO SECO MEATS, LLC, a California limited liability company; M & C MYERS, INC., a California corporation; MARY TRAYNHAM, an individual; MUMMA BROTHERS, a general partnership; NOR CAL NUT CO, a California corporation; PB ORCHARDS, LLC, a California limited liability company; PEARSON FARMS, a general partnership; PUTAH CREEK FARMING CO., a California corporation; RIVER VISTA FARMS LLC, a California limited liability company; ROMINGER BROTHERS FARMS, INC., a California corporation; STRAIN FARMING JOINT VENTURE, L.P., a California limited partnership; and ZANE AMARO d/b/a ZANE AMARO FARMS, an individual.

Defendants.

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STIPULATION

Plaintiff Bank of America, N.A. (“**BOA**”) and Defendant TSB AG, Inc. (“**TSB**”) by and through their undersigned attorneys, hereby stipulate as set forth below:

RECITALS

WHEREAS, on or about August 23, 2024, BOA filed the Complaint in this action seeking a declaration that the subordination clause in TSB’s contract with Andersen & Sons Shelling, Inc. (“**ASSI**”) is enforceable and subordinates TSB’s alleged California Food & Agricultural Code § 55631 *et seq.* Producer’s Lien to BOA’s secured interest (the “**Litigation**”);

WHEREAS, on September 27, 2024, BOA filed the operative First Amended Complaint (“**FAC**”) (Dkt. 10);

WHEREAS, on October 31, 2024, TSB filed a motion to dismiss the FAC (“**TSB’s Motion**”) which is currently set for hearing on February 6, 2024;

WHEREAS, counsel for BOA is not available on February 6, 2024 for a hearing on TSB’s Motion;

WHEREAS, a majority of the remaining defendants’ deadline to respond to the FAC has not yet passed and no scheduling conference has been set;

WHEREAS, on November 5, 2024, the Courtroom Assistant notified counsel that the Court was available for a hearing on TSB’s Motion on March 20, 2024;

WHEREAS, this is the first request to continue the hearing date by any party;

WHEREAS, given that 34 of the defendants have not yet responded to the complaint and their deadline to respond has not yet occurred, the Parties believe there is good cause to continue the hearing date and set a briefing schedule to allow time for other defendants to appear and be heard on this matter if applicable.

NOW, THEREFORE, for and in consideration of the recitals set forth above and incorporated herein, the Parties hereby request the Court continue the hearing date on TSB’s Motion and set a briefing schedule as follows:

1. The hearing date on TSB's Motion is continued from February 6, 2025 at 1:30 p.m. to March 20, 2025 at 1:30 p.m.
2. BOA shall file an opposition to TSB's Motion no later than January 17, 2025;
3. TSB shall file a reply brief in support of TSB's Motion no later than February 20, 2025.

Date: November 8, 2024

HOLLAND & KNIGHT LLP

By: Kristina S. Azlin

Kristina S. Azlin
Daniel P. Kappes
Andrew M. Cummings

Attorneys for Plaintiff Bank of America, N.A.

Date: November 8, 2024

WAGNER JONES HELSLEY PC

By: /s/ John Kinsey (as authorized on 11/8/24)

John P. Kinsey

Attorneys for Defendant TSB AG, INC.

IT IS SO ORDERED.

Date: November 8, 2024

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE

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